In the High Court of Punjab and Haryana, Chandigarh.

C.R. No.4616 of 2007

Date of Decision: 11.09.2007

Panchayat Paonti and Others

…Petitioners/Defendants.

Versus

Ajmer and Others.

…Respondents.

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr.J.S.Cooner, Advocate
for the petitioners/defendants.

JUDGMENT

RAJESH BINDAL, J.

A prayer made in the present petition is to challenge the order dated September 5, 2007 passed by the learned Civil Judge (Jr. Divn.), Ambala City, whereby the evidence of the petitioners/defendants was closed by order of the Court.

Learned counsel for the petitioners submitted that in a suit for permanent injunction filed by the respondents on July 28, 2004, the first date for the petitioners/defendants for leading the evidence was fixed as August 6, 2007. The case was further adjourned by giving dates at short intervals such as August 9, 2007, August 17, 2007 and August 29, 2007. On the date fixed i.e. August 29, 2007, the affidavits of two witnesses were tendered and the

next date in the case was fixed as September 4, 2007, on which date after cross-examining both the above said witnesses, the case was fixed for September 5, 2007 for the evidence of petitioners/defendants. On September 5, 2007, the Court closed the evidence of the petitioners/defendants. He submitted that in case one opportunity is granted, the defendants will complete their entire evidence on the date to be fixed.

For the view I am taking, I do not deem it necessary to issue notice to the respondents as the same would unnecessary delay the disposal of the present petition as well as the trial of the suit.

From the facts on the record, it is evident that it was merely within a span of one month that six dates for leading evidence of the petitioners/ defendants were fixed by the learned trial Court. The defendants in the suit are State Authorities, which move at snail's speed. Keeping in view the interest of justice, in my opinion, the order passed by the learned trial Court, closing the evidence of the petitioners/defendants, deserves to be set aside and one opportunity needs to be granted to the petitioners/defendants for leading their entire evidence.

Accordingly, the petition is allowed. The petitioners/defendants are permitted to lead their entire evidence on a date to be fixed by the learned trial Court for the purpose.

The revision petition is disposed of accordingly.

(Rajesh Bindal)
Judge

September 11, 2007
"DK"